

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA

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DAVID LEE POWELL,

PLAINTIFF,

V.

CIVIL ACTION NO. 2:05-CV-0544-MHT-DRB

COOSA COUNTY JAIL, et al.,

DEFENDANTS.

Affidavit of David Lee Powell

State of Alabama
County of Barbour

I, David L. Powell, am over the age of 19 years and I am competent to make this affidavit.

On or around the last week of October 2004, I sent approximately three or four requests to the county jailer requesting to see a dentist about my toothache. I waited for approximately three weeks then I mailed a letter to the Sheriff on account that I never received a response from my requests. During the entire time waiting I was suffering from the toothache I had originally complained about in my requests.

While waiting for my response I asked officer Bradley about my requests to the dentist and he stated "I had an appointment and I had to just wait."

Officer Richard Crayton was making rounds around the jail somewhere around the beginning of December and I spoke to him and showed him my face, which was swollen on both sides, he stated "there is nothing he could do, but, keep sending out the request form." He also said "he could not go over Sergeant Roberson head, so continue to do what I said

about the requests." I then asked him for some tylenol and he brought it back to me immediately.

On or around the next day in December, I showed Officer Lipton my face and he stated: "Continue to send out the request forms." After he made that statement, he later brought me the request form to fill out. I then asked him for some tylenol and he brought it back to me immediately.

Approximately a day after I showed Officer Lipton my face, Officer Moon was working the nightshift, and I explained how I had sent several requests to the jail during the day shift and received no response, then, I told him about my toothache and asked him could he help. He said "the requests were going to Sergeant Roberson and he is in charge of the requests for medical, and he will have to respond to the requests." After he told me this, I immediately asked him for some Tylenol and he brought it back to me immediately.

Approximately around the first or second week in December when Officer Kay was working I asked for some Tylenol, but, she did not bring it immediately to me, she waited hours after I asked for the medication before she brought it saying: "you could not received medication until after bedtime."

Everyday she worked while I was waiting for my dentist appointment, I would ask her for some Tylenol and she would continue to bring it hours after I had asked and there were occasions when she did not bring the Tylenol I requested.

Officer Bradley was working with Officer Crayton I would ask him about the status of my request to see the dentist or when I would see the dentist. He would always say: "we got you an appointment", yet,

I never went to an appoint. When I asked him for some Tylenol he would not pass any out, his reasons would be "he did not have any on him or he would have to go back to get some." However, he would never return with the Tylenol requested.

On or about the middle of December, I wrote a letter to the sheriff of the jail requesting to speak to him in person on account that I had been requesting to see the dentist since the end of October and I had not seen a dentist and I was always told that I had an appointment. However, when another inmate named Ricky Craford came into the county jail after me, he requested to see the dentist and he was taken immediately to see the dentist. I waited and waited for a reply, but I never received one from him.

Around the middle of December I had an appointment to see Doctor Amy Bennett for my back and nerves, all which came from prior surgery. Upon her inspection she checked my teeth and noticed I had an abscess. She later prescribed some antibiotics and gave instruction to Officer Belvin that I was to take the antibiotics for seven days before I was scheduled to see the dentist. They started me on the antibiotics on or around Monday in the same month yet I never saw a dentist after the seven days ended.

This is the end of my statement.

Done this 14th day of September, 2005.

David L. Powell
David L. Powell

I swear (or affirm) under penalty of perjury that, information and belief, the foregoing is true and correct. Executed on SEPT 14/05
(date)

David L. Powell
David L. Powell

Sworn to and Subscribed before me this 14th day of Sept., 2005.

Carolyn R. Abernethy

My Commission Expires August 18, 2007